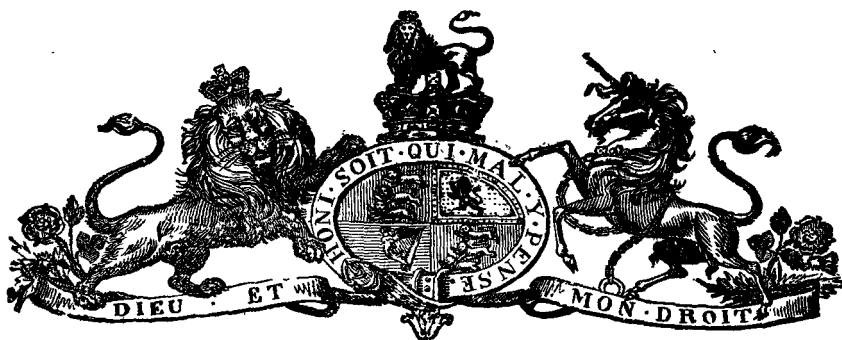


NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 15.

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Title.

AN ACT to regulate the Postal Service of the Colony of New Zealand.

[26th June, 1858.]

BE IT ENACTED by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows :

Existing laws repealed.

I. Every Law or Regulation heretofore made in the Colony whether by Act or Ordinance of any one of the several Legislatures thereof, or by Proclamation or otherwise, for any of the purposes comprised in this Act, is hereby repealed and revoked.

Governor may establish post offices.

II. It shall be lawful for the Governor to establish such Post offices throughout the Colony as may from time to time be required, and at any time to abolish any Post office already established, or to be hereafter established under this Act,

May appoint a Postmaster General, Postmasters and other Officers.

III. It shall also be lawful for the Governor, in the name and on behalf of Her Majesty, from time to time to appoint and remove a Postmaster General, and to appoint and remove, such Postmasters, Officers, Clerks, Letter-carriers, Servants, Messengers, and other persons as may be required for the conduct of the business at the various Post Offices throughout the Colony.

Power of delegation.

IV. It shall be lawful for the Governor from time to time, by writing under his hand, to delegate to the Postmaster General, all or any of the powers vested in the Governor by this Act, except such powers as are conferred upon the Governor in Council, and such powers as are conferred by clause 22 of this Act, and such delegation from time to time to alter, or revoke, as he shall think fit.

Postmasters and other Officers to take declaration.

V. Every Postmaster and other Post Officer shall before the exercise by him of the duties of his office, take and subscribe a Declaration before one of Her Majesty's Justices of the Peace, (which Declaration every Justice of the Peace is hereby authorised and required to administer) in the form in the Schedule to this Act.

Governor may require securities from persons appointed under this act.

VI. Every person appointed under this Act may be required by the Governor to give such security as he may direct, for the due and faithful discharge of the duties of the office to which such person may be appointed.

Governor may establish posts.

VII. It shall be lawful for the Governor from time to time, to establish Posts or Postal Communications within the said Colony, and to alter or annul any of the Posts or Postal Communications already or to be hereafter established.

Post Office.

VIII. It shall be lawful for the Governor in Council from time to time, by Proclamation, to be published in the *New Zealand Gazette*, to fix, alter, and abolish the rates of Postage at any time, payable within the Colony, for the transmission of Letters by Post, either between places within New Zealand, or to or from places beyond seas, and at what time the same shall be paid, and the Postage so made payable shall be charged and paid accordingly.

Governor to fix rates of postage.

IX. It shall be lawful for the Governor in Council, from time to time, to make rules and regulations for the managing of the several Post offices, for the receiving, dispatching, conveying and delivering of Letters, (including the imposition of fees for private boxes or deliveries), for the detaining, opening, and return, or other disposal of irregularly posted, unclaimed, and refused Letters, or such as from any cause whatever cannot be delivered or forwarded, and the contents thereof respectively, and for the publication of the lists of the same, for the making, custody, and sale of Postage labels, for the receiving and paying of money in connection with the said Postal service, and for the conduct of Post Officers, and any such rules and regulations at any time in force, to alter, vary, or revoke.

Governor may make rules for regulating PostOffice service.

X. For the purpose of giving effect to the rules and regulations so to be made, it shall be lawful for the Governor in Council, to impose any penalty not exceeding £10, for any one offence against such rules and regulations.

Governor may impose penalties.

XI. It shall be lawful for the Governor to make or cause to be made, arrangements with the constituted authorities in England, or in any of Her Majesty's Colonies, for the transmission through the medium of the Post of any money to or from any place whatsoever, and for the delivery and payment of the same, and to establish rates of payment for such transmission, and to make such rules and regulations as may be expedient or necessary for carrying such arrangements into effect.

Governor may make arrangements for transmission of money through post.

XII. It shall be lawful for the Governor to appoint such agents to defray such expenses, and to make all such payments, and to do or cause to be done, all such acts as may be necessary to give full effect to any such arrangements.

Power to do all necessary acts to give effect to such arrangements.

XIII. Any person who shall send any Letter by Post shall be entitled to have the same registered at such Post Offices as the Governor shall at any time appoint for that purpose, upon the payment of such registration rate, in addition to the other rates payable under or by virtue of this Act, as the Governor in Council shall from time to time direct: Provided always, that such registration shall not render any Post Officer or the Postal revenue in any manner liable for the loss of any such Letter or the contents thereof.

Letters may be registered.

XIV. It shall be lawful for the Postmaster General (if he shall think fit) to direct that in case a receipt for any letters

Receipts maybe given for letters.

Post Office.

brought to any Post Office to be forwarded by the Post shall be required, a printed or written receipt shall be given for the same, in such form as the Postmaster General shall appoint, at the expense of the person requiring the same, and the charge for the receipt shall be fixed at such amount, and shall be collected or paid at such time and in such manner as the Governor in Council shall from time to time direct; and the letters for which such receipt may be required, shall be delivered to the Post Office, and shall also be delivered from the Post Office under and subject to all such regulations in every respect as the Postmaster General shall from time to time appoint; but the giving of such receipt shall not render any Post Officer, or the Postal revenue liable for the loss of any such Letter or the contents thereof.

Postmaster General
may make contracts
for mails.

XV. It shall be lawful for the Postmaster General under such instructions as he shall from time to time receive from the Governor, to enter into any contract in writing from time to time on behalf of the Government of New Zealand, in the name of the Postmaster General, for, or in respect of the carriage or conveyance of Mails by sea and by land, subject in all respects to such terms and conditions as he may think fit; and the Postmaster General for the time being may sue or be sued on any such contract: Provided always that no Postmaster General shall be personally liable in respect of any such contract.

Letters not to be car-
ried for hire except
by Post.

XVI. No Letter shall be carried for hire or reward, otherwise than by Post, and if any such Letter shall be carried or be sent or taken charge of, for the purpose of being so carried or conveyed by any person, (not being a Post Officer) and the person so sending or conveying such Letter or taking charge of the same for such carriage or conveyance, shall for every such Letter forfeit and pay a penalty not exceeding £20; and every such Letter sent or carried or taken charge of to be carried, otherwise than by Post, shall be deemed in any prosecution for this offence to have been for hire or reward, unless the contrary shall be shewn by the defendant.

Exceptions.

XVII. Provided always that nothing in the last preceding clause shall extend to any Letter exceeding 16 ounces avoirdupois in weight, nor to any Letter concerning goods, and sent with such goods, and to be delivered therewith, nor containing any writ or proceeding out of any Court of Justice, or any Deed, Conveyance, Affidavit, or Letter of Attorney, nor to any Letter sent by any person concerning his or her private affairs by any special messenger, nor to any Letter *bonâ fide* sent or carried to or from the nearest Post Office, nor to any Newspaper or Book, or to any copy of Votes and Proceedings of the Imperial Parliament, or of the General Assembly of New Zealand, or of any of the Legislatures of the several Provinces thereof, or of any British Colony.

Dangerous substances
not to be sent by post.

XVIII. No person shall post or cause to be posted or send or cause to be sent, or tender or deliver in order to be sent by the Post any Letter containing any explosive or other dangerous ma-

Post Office.

terial or substance, and any person who shall commit any one of such offences shall be deemed guilty of a misdemeanour and be liable to be punished by fine or imprisonment, or both; and no such Letter shall be forwarded by the Post.

XIX. If any person shall send to or put into or cause to be sent to or put into any Post Office, any Letter purporting to be entitled to exemption from postage, or in respect of its contents to be entitled to be sent at a lower than the ordinary rate of postage, but which Letter to the knowledge of such person shall not be so entitled, the person so offending shall forfeit and pay a fine not exceeding £20.

Knowingly sending as exempt letters not entitled to exemption.

XX. The Postmaster General and every Postmaster shall be entitled to examine any Printed Paper, or any Packet which shall be sent by the Post, as exempt from postage, or entitled to be sent at less than the ordinary rate of postage, without a cover or in a cover open at the sides, in order to discover whether it is in conformity with the regulations.

Power to examine papers sent as exempt from postage.

XXI. Every question which shall arise whether any such printed paper or packet is entitled to the privilege of being sent free or at a reduced rate of Postage, may be referred to the determination of the Postmaster General, whose decision shall be final.

Questions as to exemptions from postage.

XXII. It shall be lawful for the Governor by a warrant under his hand, to direct the Postmaster General or any Postmaster or other Post Officer to open, detain, or delay any Post Letter, for any purpose in such warrant mentioned, and such Postmaster General, Postmaster, or other Post Officer is hereby authorised and required to act in obedience to such warrant.

Governor may direct letters to be opened, detained, or delayed.

XXIII. In all cases in which the postage of any Letter shall not have been paid by the Sender thereof, and the person to whom such Letter shall be addressed shall upon receiving the same and paying the postage thereof be desirous to reject such Letter and to compel the Sender thereof to pay such postage, it shall be lawful for the Postmaster-General, subject to any Regulations the Governor in Council shall think fit to make, to cause such postage to be returned to the person by whom it shall have been paid, and to charge the same to the Sender of such Letter, and also the additional postage of returning the same, and in every such case the Sender of such Letter shall pay the postage of sending and also of returning the same, to be sued for and recovered in the name of the Postmaster-General: Provided that nothing herein contained shall operate to release the party to whom any such Letter shall be originally addressed from his liability to pay the postage thereof upon the delivery of such letter to him.

Power to compel senders of rejected letters to pay the postage.

XXIV. Upon any trial or hearing of any action or proceeding for the recovery of any postage, the production of any Letter in respect of which such postage shall be sought to be recovered having thereupon a Post Office stamp or mark denoting that such Letter had been refused or rejected, or that the person to whom any such Letter had been addressed was dead or could not be found, shall be *prima facie* evidence of the refusal or rejection of such Letter, or that such person was dead or could not be found according to the import and meaning of the said Post Office stamp or mark thereon.

Post office stamp to be evidence of letters being rejected, &c.

Post Office.

Masters of vessels to give timely notice of intended departure.

XXV. The master of every vessel about to proceed from any port to any other port, shall give at least twenty-four hours notice at the Post Office at such port of his intended departure, and if the vessel does not sail at the time appointed, shall also give timely notice of any alteration as to the period of her departure, so as to enable the Postmaster or other Post Officer to be prepared to dispatch mails on board such vessel, and if any such master shall refuse, fail, or neglect to give such notice, he shall for every such offence forfeit and pay a penalty not exceeding £100.

Masters of vessels proceeding to place within 3 miles from any Post office to give notice.

XXVI. The master of every vessel about to proceed from any place within three miles from any Post Office, to any other place within three miles from any Post Office within the Colony, shall give timely notice at such first mentioned Post Office of his intended departure, so as to enable the Postmaster to forward mails by such vessel, and if any master shall refuse, fail, or neglect to give such notice, he shall for every such offence forfeit and pay a penalty not exceeding £100: Provided always that the Governor in Council may from time to time exempt from the operation of this clause, vessels engaged in trading between particular places within the Colony, or any vessels belonging to or owned by aboriginal Natives.

Officer of Customs may refuse clearance unless a certificate that notice has been given to the Post Office be produced.

XXVII. The Post Officer at the Post Office at which any notice of intended departure shall be given under the 25th section of this Act, shall, on demand, give to the master giving such notice, a certificate in writing of the day and hour when the same was given, and it shall be lawful for the proper Officer of Customs to refuse a clearance of the vessel in respect of which no such certificate shall be produced to him, or when it shall appear to him from such certificate that due notice as required by this Act has not been given at the Post Office.

Masters of vessels bound to carry mails.

XXVIII. Every master or person in charge of any vessel about to sail from any place within the Colony, shall receive on board any mail which shall be tendered to him by any Post Officer, and shall if required give a written receipt for the same, and shall cause a description of such mail to be entered upon the Custom house manifest, and shall carefully deposit such mail in some secure and dry place on board such vessel, and shall convey the same upon the then intended voyage, and every such master or person who shall offend against any of the provisions of this clause, shall for every such offence, be liable to a penalty not exceeding £100.

Penalty for refusing.

Delivery of Mails on arrival of vessel.

XXIX. All Mail bags and all loose letters, except such as are described in clause XVII of this Act, which at the time of the arrival of any vessel at any port or place, within the colony, shall be on board such vessel, directed to any person within the colony, shall be delivered on demand to the Postmaster or other Post Officer at such port, or place, who is hereby authorised to give a receipt for the same; And any master or other person belonging to any such vessel having charge of any such Mail or letter, who shall refuse or neglect to deliver the same on demand as aforesaid, or shall detain or permit the detention of the

Post Office.

same on board such vessel, or shall not use due diligence in the delivery thereof, as well as for the secure and dry custody of the same, while it shall be in his charge, shall forfeit and pay for every such offence, a penalty not exceeding £100.

XXX. Any master, passenger, or other person, who shall knowingly or negligently, detain or delay on board such vessel, or keep in his possession any Mail bag or any Letter (liable to postage) after the master shall have sent any of the Letters brought by his vessel to the Post Office, shall forfeit and pay for every such Mail bag and Letter so delayed, detained, or kept, any sum not exceeding £10, and if after such demand made as aforesaid, shall forfeit and pay for every such Mail bag and Letter so delayed, detained, or kept, a penalty not exceeding £100.

Penalty for detention of mail or letter.

XXXI. The master of any vessel arriving at any port, in the Colony, at which there is any Post Office, shall as soon as practicable thereafter, subscribe a declaration in the presence of the Postmaster, or Post Officer at such port, or the town or place adjacent thereto, in the form or to the effect following—that is to say—“I, A. B., master of the (state the name of the vessel) arrived from (state the place) do solemnly declare that I have to the best of my knowledge and belief, delivered to (C. D.) the person duly authorised to receive delivery thereof, every Mail bag and Letter that was on board the said vessel, except such Letters as are not required by law to be sent by post,” and thereupon the Postmaster, or Post Officer taking such declaration shall grant a certificate under his hand of the making thereof, and until such certificate shall have been produced to the Collector or other proper Officer of Customs at such port, he shall not permit such vessel to report; and any master failing or refusing to make such declaration, or making a false declaration, shall forfeit and pay a penalty not exceeding £100.

Declaration by masters of vessels on arrival.

XXXII. It shall be lawful for the Governor in Council from time to time to fix the amount of Gratuities to be paid to the masters of vessels for the conveyance of mails or letters, and the several Postmasters throughout the colony shall pay such Gratuities accordingly.

Gratuities to masters of vessels for conveyance of mails.

XXXIII. If any Postmaster, or Post Officer, shall wilfully neglect or fail to deliver, or shall retard the delivery of any Mail or Letter, he shall for every such offence forfeit and pay a penalty not exceeding £100.

Penalty on Post Officer for detention of mail or letter.

XXXIV. Any person employed in the carrying, conveying, or delivering of any Mail or Post Letter, who shall negligently lose any such Mail or Post Letter whilst in his charge, shall, whether the same shall or shall not be afterwards recovered, forfeit and pay for every such offence a penalty not exceeding £20.

Penalty for negligently losing letters.

XXXV. If the driver of any carriage or vehicle whatsoever used for the conveyance of a Mail, or any person in charge of a Mail,

Penalty on mail carriers, &c., for delay.

Post Office.

whether conveyed by a carriage or vehicle, or on horseback or on foot, shall loiter on the road or wilfully mis-spend or lose time, so as to retard the arrival of the Mail at its proper destination, or shall not in all possible cases convey such Mail at the speed fixed by the Postmaster General for the conveyance thereof, unless prevented by unavoidable circumstances, then, and in every such case, the driver or the person in charge (as the case may be) so offending, shall forfeit and pay a sum not exceeding £50 for every such offence.

Postage labels to be made and sold.

XXXVI. The Postmaster General shall from time to time cause all such postage labels to be made and sold, as may be convenient for the prepayment of the rates of postage from time to time established under this Act.

Offences relating to the use of false dies or stamps.

XXXVII. Every person who shall commit any one of the following offences, shall on being convicted thereof, be adjudged guilty of felony, and shall be liable at the discretion of the Court, to be sentenced to penal servitude for any term not exceeding Ten years, or less than two; namely,—Every person

1. Who shall forge or counterfeit or cause or procure to be forged or counterfeited any die, plate, or other instrument or any part of any die, plate, or other instrument which has been or shall or may be provided, made, or used by, or under the direction of the Postmaster General, or by or under the direction of any person or persons legally authorised in that behalf, for the purpose of expressing or denoting any of the rates or duties which shall be charged under or by virtue of this Act.
2. Or who shall forge, counterfeit, or imitate, or cause or procure to be forged, counterfeited, or imitated, the stamp, mark, or impression of any such die, plate, or other instrument, which has been or shall or may be provided, made, or used as aforesaid, upon any paper or other substance or material whatever.
3. Or who shall knowingly and without lawful excuse (the proof whereof shall be on the person accused) have in his possession any false, forged, or counterfeit die, plate, or other instrument, or part of any such die, plate, or other instrument resembling or intended to resemble either wholly, or in part any die, plate, or other instrument which has been or shall or may be provided, made, or used as aforesaid.
4. Or who shall stamp or mark, or cause or procure to be stamped or marked any paper or other substance or material whatsoever with any such false forged or counterfeit die, plate, or other instrument, or part of any such die, plate, or other instrument.
5. Or who shall use, utter, sell, or expose to sale, or shall cause or procure to be used, uttered, sold, or exposed for sale, or shall knowingly and without lawful excuse (the proof whereof shall be on the person accused) have in his possession any paper or other substance or material having thereon the impression, or any part of the

Post Office.

impression of any such false, forged, or counterfeit die, plate, or other instrument, or part of any such die, plate, or other instrument, as aforesaid, or having thereon any false, forged, or counterfeit stamp or impression resembling or representing either wholly or in part, or intended or liable to pass or be mistaken for any stamp, mark, or impression of any such die, plate, or other instrument, which has been, or shall or may be so provided, made or used as aforesaid, knowing such false, forged, or counterfeit stamp, mark, or impression, to be false, forged or counterfeit.

6. Or who shall with intent to defraud her Majesty, privately or fraudulently use, or cause to be privately or fraudulently used, any die-plate or other instrument so provided, made, or used, or hereafter to be provided, made, or used as aforesaid, or shall with such intent privately or fraudulently stamp or mark, or cause, or procure to be stamped, or marked, any paper or other substance or material whatsoever with any such die plate or other instrument.
7. Or who shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any paper or other substance or material so privately or fraudulently stamped or marked as aforesaid.

XXXVIII. Every person who shall commit any one of the offences following shall on being convicted thereof, forfeit and pay a penalty not exceeding £50, namely,—Every person

Penalties for removal, &c., of postage labels or stamps already used.

1. Who shall fraudulently get off or remove, or cause, or procure to be gotten off, or removed from any Letter, or cover or any paper or other substance, or material, any postage label, or the stamp or impression of any die, plate, or other instrument so provided, made or used, or hereafter to be provided made or used as aforesaid, with intent to use, join, fix, or place such postage label, stamp, or impression for, with, or upon any other Letter, cover, paper, or other substance or material.
2. Or who shall fraudulently use, join, fix, or place for, with, or upon any Letter or cover, or any paper or other substance or material, any such postage label stamp or impression as aforesaid which shall have been gotten off or removed from any other Letter, cover, paper, or other substance or material.
3. Or who shall fraudulently erase, cut, scrape, discharge, or get out of or from, or shall cause or procure to be so erased, cut, scraped, discharged, or gotten out of, or from any Letter or cover, or any paper or other substance or material any name, date, or other matter, or thing thereon written, printed, or expressed with intent to use any stamp or mark then impressed or being upon such letter or cover, or paper, or other substance or material, or that the same may be used for the purpose of defrauding Her Majesty

Post Office.

of any of the rates or duties which shall be charged under or by virtue of this Act.

4. Or who shall make, do, or practise, or be concerned in, any other fraudulent act, contrivance, or device whatever, not specially provided for, with intent or design to defraud Her Majesty of any of the rates or duties which shall be charged under or by virtue of this Act.

Illegally opening or delaying letters.

XXXIX. Every person who shall contrary to his duty, open, or procure, or suffer to be opened, a Post Letter, or shall wilfully delay or detain or procure or suffer to be detained or delayed, a Post Letter, shall be guilty of a misdemeanour, and being convicted thereof, shall suffer such punishment by fine or imprisonment, or by both, as to the Court shall seem meet: Provided always, that nothing herein contained shall extend to the opening or detaining or delaying of a Post Letter returned for want of true direction, or of a Post Letter returned by reason that the person to whom the same shall be directed is dead, or cannot be found, or shall have refused the same, or shall have refused or neglected to pay the postage thereof, nor to the opening, or detaining, or delaying of a Post Letter in obedience to an express warrant in writing, under the hand of the Governor of New Zealand.

Embezzlement of letter by Post Officer.

XL. Every Post Officer who shall steal, or shall for any purpose whatever, embezzle, secrete, or destroy a Post Letter, shall be guilty of felony, and shall at the discretion of the Court be kept in penal servitude for any term not exceeding six years, and if such Post Letter so stolen or embezzled, secreted, or destroyed, shall contain therein any chattel, or money whatsoever, or any valuable security, every such offender shall be kept in penal servitude for life.

Stealing money, &c., from or out of letters.

XLI. Every person who shall steal from or out of a Post Letter any chattel, or money, or valuable security, shall be guilty of felony, and shall be kept in penal servitude for life.

Persons stealing mail bags or letters.

XLII. Every person who shall steal a Mail bag or a Post Letter from a Mail bag, or shall steal a Post Letter from a Post Office, or from a Post Officer, or from a Mail, or shall stop a Mail, with intent to rob or search the same shall be guilty of felony, and shall be kept in penal servitude for life.

Persons unlawfully opening mail bags.

XLIII. Every person who shall unlawfully open any Mail bag shall be guilty of felony, and shall be kept in penal servitude for any term not exceeding five years.

Receivers of property sent by the post and stolen or embezzled.

XLIV. Every person who shall receive any Mail bag, or Post Letter or any chattel or money or valuable security the stealing or taking, or secreting, or embezzling whereof shall amount to felony under this Act, knowing the same to have been feloniously stolen, taken, embezzled, or secreted, or to have been sent, or to have been intended to be sent by the post shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact, or for a substantive felony, and in the latter case whether the principal

Post Office.

felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice ; and every such receiver howsoever convicted shall be kept in penal servitude for life.

XLV. Every Post Officer who shall grant or issue any Post Office money order with a fraudulent intent shall be guilty of felony and shall be kept in penal servitude for any term not exceeding six years.

Post Officer issuing money order with fraudulent intent.

XLVI. Every person who shall fraudulently retain, or shall wilfully secrete, or keep, or detain, or being required to deliver up by a Post Officer, shall neglect or refuse to deliver up a Post Letter which ought to have been delivered to any other person, or a Mail bag, or Post Letter which shall have been sent, whether the same shall have been found by the person secreting, keeping, detaining, or neglecting, or refusing to deliver up the same or by any other person shall be guilty of a misdemeanour and being convicted thereof shall be liable to be punished by fine or imprisonment, or both.

Fraudulently secreting or detaining misdelivered mail bag or letter.

XLVII. Every Post Officer who shall steal or shall for any purpose embezzle, secrete, or destroy or shall wilfully detain or delay in course of conveyance or delivery, thereof by the post, any printed Newspaper or any other printed Paper whatever sent by post without covers or in covers open at the sides, shall be guilty of a misdemeanour and being convicted thereof shall be liable to be punished by fine or imprisonment, or both, and every offence punishable under this clause shall not be punishable under any other of the provisions of this Act.

Stealing newspapers or other printed paper.

XLVIII. If any person shall without the authority of the Postmaster General of the Colony or of some person deputed by him in that behalf, (the proof of which authority shall rest on the person claiming to act under the same) place or erect, or permit, or suffer to be placed on or near to his house or premises any sign, placard, writing, or painting bearing the words "Post Office," or any other words or mark which may imply or give reasonable cause to believe that such house or premises is or are a Post Office he shall for every such offence forfeit and pay any sum not exceeding fifty pounds.

Exhibiting without authority, Post Office sign.

XLIX. Any Post Officer who shall offend against, or wilfully neglect or omit to comply with any of the provisions of this Act shall for any such offence neglect, or omission, if not hereinbefore specifically provided for, forfeit and pay a penalty not exceeding £100.

Penalty for contravening provisions of this Act.

L. In the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable ; and every accessory after the fact to any felony punishable under this Act, (except only a receiver of any property or thing stolen, taken, embezzled, or secreted,) shall on conviction, be liable to be imprisoned for any term not exceeding two years ; and every person who shall aid, abet, conceal, or procure the commission of any misdemeanour

Punishment of principal in second degree and accessories.

Post Office.

punishable under this Act, shall be liable to be indicted and punished as a principal offender.

Endeavouring to procure the commission of any felony or misdemeanour.

LI. Every person who shall solicit or endeavour to procure any other person to commit a felony, or misdemeanour punishable by this Act, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years.

Abettors in offences punishable on summary conviction.

LII. Any person who shall aid, abet, or counsel or procure the commission of an offence under this Act, punishable on summary conviction, shall on conviction thereof, before any two Justices of the Peace, be liable to the same forfeiture and punishment to which the principal offender is made liable by this Act.

Penal servitude for life how to be constituted.

LIII. Every person convicted of any offence for which the punishment of penal servitude for life is herein awarded, shall be liable to penal servitude for life, or for any term not less than three years.

Imprisonment may be with or without hard labour.

LIV. Where a person shall be convicted of an offence punishable under this Act for which imprisonment may be awarded, the Court may sentence the offender to be imprisoned, with or without hard labour, in any Common Gaol or House of Correction.

Property sent by the Post to be laid in Postmaster general.

LV. In every case where an offence shall be committed in respect of a Mail bag, or Post Letter, or any chattel, money or valuable security sent by the Post, it shall be lawful to lay in the indictment to be preferred against the offender, the property of the Mail bag, or of the Post Letter or chattel, money, or the valuable security sent by the Post in the Postmaster-General; and it shall not be necessary in the Indictment to allege or to prove upon the trial or otherwise that such Mail bag or Post Letter or valuable security was of any value; and in any indictment to be preferred against any Post Officer for any offence committed under this Act, it shall be lawful to state and allege that such offender was employed in the Postal service of New Zealand, at the time of the committing of such offence, without stating further the nature or particulars of his employment.

Use of Postmaster General's name in indictments.

LVI. In any Indictment for any felony or misdemeanour under this Act, it shall be sufficient to lay any property in and to state or allege the same to belong to, and to state or allege any act, matter, or thing to have been done or committed, with intent to injure or defraud "Her Majesty's Postmaster General for New Zealand," and in all such indictments it shall be sufficient to name and describe the Postmaster General as "Her Majesty's Postmaster General for New Zealand," without any further or other name, addition, or description whatsoever.

New Zealand Gazette to be evidence.

LVII. Any printed copy of the *New Zealand Gazette* purporting to be printed and published by the authority of the New

Post Office.

Zealand Government shall be admitted as evidence by all Courts, Judges, and Justices, and others of any regulations which shall be made or issued under, or by virtue of this Act, and contained in any such *Gazette*, and of the due making and issuing thereof, and of the contents of any such regulations without any further or other proof.

LVIII. In any suit or other proceeding for the recovery of any postage under or by virtue of this Act, the person from whom any Letter in respect of which any postage shall be sought to be recovered, shall purport to have come, shall be deemed the Sender thereof, and the onus shall be on the party proceeded against, to prove that such Letter did not come from or was not sent by him.

Who deemed to be
Sender of letter.

LIX. In all proceedings whatsoever, for the recovery of any postage, the Post Office mark upon any letter shall in all cases be evidence of the liability of such letters to such postage, and that the sum marked thereupon is payable as and for the postage thereof.

Evidence of postage
duc.

LX. If any action or suit shall be commenced against any person for anything done in pursuance of this Act, the same shall be commenced within 6 calendar months, after the act committed and not afterwards; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action.

Limitation of actions,

LXI. All fines and penalties imposed by this Act, or to be imposed by any rule or regulation to be made in pursuance thereof, shall be recoverable in a summary way, before any two of Her Majesty's Justices of the Peace.

Penalties recoverable
in a summary way.

LXII. All sums of money which shall be received under or by virtue of this Act, in respect of any rates duties fines or penalties, or on any other account whatsoever shall be paid to Her Majesty, for the public uses of the Colony.

Application of monies
paid under this Act.

LXIII. In all cases in which any fine or penalty shall be paid under any conviction under the provisions of this Act, it shall be lawful for the Governor, when any person shall appear to have been active in, or towards the procuring of any such conviction, to award to such person such portion of such fine or penalty, not exceeding in the whole one half thereof, as to his Excellency shall seem meet.

Rewards for activity
in procuring conviction.

LXIV. All money which shall be expended upon the Postal Service within any Province, shall be charged by the Colonial Treasurer in account against the Province within which the same shall be expended, and may be deducted from any sums of money which shall from time to time be payable by the Colonial Treasurer to such Province.

Expenditure to be
charged to Province
within which incurred

Post Office.

<p>Interpretation.</p> <p>“ Letter ”</p> <p>“ Mail bag.”</p> <p>“ Mail.”</p> <p>“ Post officer.”</p> <p>“ Postage.”</p> <p>“ Post Letter.”</p> <p>“ Post Office.”</p> <p>“ Port.”</p> <p>“ Vessel.”</p> <p>“ Master.”</p> <p>“ Valuable security.”</p> <p>“ Officer.”</p>	<p>LXV. In the construction of this Act unless there be something in the subject or the context repugnant to such construction, the term “ Letter ” shall include Post Letters and Packets, Newspapers, Books, Votes and Proceedings of the Imperial Parliament, of the General Assembly of New Zealand, and of the Legislatures of the several Provinces thereof, or of any British Colony; and the term “ Mail bag ” shall mean a Mail of Letters or a box or parcel or any other envelope or covering in which Post Letters are conveyed, whether it does or does not contain Post Letters; and the term “ Mail ” shall include every conveyance by which Post Letters are carried, whether it be a coach or cart, or horse or any other conveyance, or any person employed in conveying or delivering Post Letters; and the term “ Post Officer ” shall include any Postmaster, Deputy-Postmaster, Agent, Officer, Clerk, Letter Carrier, Guard, Post Boy, Rider, or any other person employed in any business of the Post Office, whether employed by the Governor or the Postmaster-General, or by any person under him on behalf of the Postal Service; and the term “ Postage ” shall mean the duty chargeable for the transmission of Letters by Post; and the term “ Post Letter ” shall mean any Letter or Packet transmitted by the Post, and a Letter shall be deemed a Post Letter from the time of its being delivered to a Post Office to the time of its being delivered to the person to whom it is addressed, and the delivery to a Letter Carrier or other person authorised to receive Letters for the Post Office shall be a delivery to the Post Office, and a delivery at the house or office of the person to whom it is addressed, or to him, or to his servant or agent, or other person considered to be authorised to receive the Letters according to the usual manner of delivering that person’s Letters shall be a delivery to the person addressed; and the term “ Post Office ” shall mean any house, building, room, or place, where Post Letters are received or delivered, or where they are sorted, made up, or despatched; and the term “ Port ” shall include any harbour, river, or roadstead, being a Port of Entry; and the term “ Vessel ” shall mean every description of vessel employed on the high seas or on the coast; and the term “ Master ” of any vessel shall include any person in charge of a vessel, whether commander, mate, or other person; and the term “ valuable security ” shall include the whole or any part of any tally order or other security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of the United Kingdom of Great Britain and Ireland, or of any one of Her Majesty’s Colonies or Foreign Possessions, or of any Foreign State, or in any Fund of any Body Corporate, Company, or Society, or to any deposit in any Savings Bank, or the whole or any part of any Debenture, Deed, Bond, Bill, Note, Warrant, or Order, or other security whatsoever for money or for payment of money, whether of the United Kingdom of Great Britain and Ireland, or of this Colony or of any of Her Majesty’s Colonies or possessions, or of any Foreign State, or of any Warrant or Order for the delivery or transfer of any goods or valuable thing; and any “ Officer ”</p>
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Post Office.

mentioned shall mean the person for the time being executing the functions of that Officer; and the term "Postage Label" shall mean any piece of paper, or other substance or material whatsoever, having thereon the stamp, mark, or impression of any die, plate, or other instrument made or used by or under the direction of the Postmaster General, for the purpose of denoting or expressing any of the rates or duties of postage to be charged under or by virtue of this Act; and the term "Foreign Port" shall mean any Port not included within the boundaries of the colony of New Zealand.

"Postage Labels,"

"Foreign Port,"

LXVI. The Short Title of this Act shall be the "New Zealand Post Office Act, 1858."

Short title.

LXVII. This Act shall come into operation on the first day of October, 1858.

Commencement of Act.

SCHEDULE REFERRED TO IN THE FOREGOING ACT

I, A. B., do solemnly and sincerely declare that I will be true and faithful in the execution of the trust committed to my charge, and that I will not willingly or knowingly open, detain, return, or delay, or cause or suffer to be opened, detained, returned, or delayed any Letter which shall come into my hands, power, or custody, by reason of my employment in the Postal Service, except with the consent of the person to whom such Letter shall be directed, or in such cases as are or may be provided for by the "New Zealand Post Office Act, 1858," or by any rules or regulations to be made in pursuance thereof.

And I do further declare that I will not intentionally read the contents of any Letters which I may lawfully open; except so far as may be necessary for the purpose of ascertaining the name and address of the writer, or for any other lawful purpose, and that I will not divulge to any person whatever, except so far as lawfully required, any of the contents of any such Letter which may have come to my knowledge in course of opening and examining the same for any such purpose as aforesaid.